

Feb 06, 2018

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

MARVIN KRONA,

Plaintiff,

v.

WSP MSU, CUS BELANGER,
OFFICER DUEDE, and
CLASSIFICATION COUNSELOR
MCCOY,

Defendants.

NO: 4:17-CV-05097-SMJ

**ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT**

1915(g)

Magistrate Judge Rodgers filed a Report and Recommendation on January 8, 2018, recommending that Plaintiff's complaint be dismissed with prejudice for failure to state a claim upon which relief may be granted under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1), and that such dismissal count as a strike under 28 U.S.C. § 1915(g). ECF No. 11.

Plaintiff, initiated this action while a prisoner at the Monroe Correctional Complex. He was subsequently released and granted leave to proceed *in forma*

ORDER ADOPTING REPORT AND RECOMMENDATION AND
DISMISSING COMPLAINT -- 1

1 *pauperis*, but with no obligation to pay the filing fee. Plaintiff did not file
2 objections.


3 For the reasons set forth by Magistrate Judge Rodgers, **IT IS ORDERED**
4 the Report and Recommendation, ECF No. 11, is **ADOPTED in its entirety. IT**
5 **IS ORDERED** that the Complaint, ECF No. 9, is **DISMISSED WITH**
6 **PREJUDICE** for failure to state a claim upon which relief may be granted under
7 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1).

8 Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who
9 brings three or more civil actions or appeals which are dismissed as frivolous or for
10 failure to state a claim will be precluded from bringing any other civil action or
11 appeal *in forma pauperis* “unless the prisoner is under imminent danger of serious
12 physical injury.” 28 U.S.C. § 1915(g). **Plaintiff is advised to read the statutory**
13 **provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff’s complaint may**
14 **count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may**
15 **adversely affect his ability to file future claims.**

16 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order,
17 enter Judgment, forward copies to Plaintiff at his last known address, and **CLOSE**
18 the file. The Clerk of Court is further directed to forward a copy of this Order to
19 the Office of the Attorney General of Washington, Corrections Division. The Court

1 certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal of this Order would not
2 be taken in good faith and would lack any arguable basis in law or fact.

3 **DATED** this 6th day of February 2018.

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5 SALVADOR MENDOZA, JR.
6 United States District Judge
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